

1 **Genaro Lara, Attorney at Law**

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2 San Diego, CA 92101

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330 "D" Street, Ste. 410

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6 Attorneys for Plaintiff Araceli Gocobachi

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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10

11 SAMANTHA LOPEZ, a Minor, by ) Case No.: 07CV2028-JLS (WMc)

12 and through her Legal ) Motion to Intervene as a  
13 Custodian, LILIANA CORTEZ, ) Plaintiff

14 FILADELFO LOPEZ, LAURA )

15 ALONZO LOPEZ, ANNA LOPEZ & )

16 JULIA LOPEZ, as surviving ) Date: June 27, 2008

17 heirs of DAVID ARNULFO ) Time: 10:30 a.m.

18 LOPEZ, deceased, ) Courtroom: 6  
19 Plaintiffs, ) The Honorable Janis L.  
20 vs. ) Sammartino

21 COUNTY OF SAN DIEGO, a )

22 municipal corporation, CITY )

23 OF VISTA, a municipal )

24 corporation & DOES 1-50, )

25 inclusive, )

26 Defendants.

27

28 Notice of Motion for Leave to Intervene (Rule 24):

To: JOHN J. SANSONE, County Counsel, DAVID G. AXTMANN,

Senior Deputy, EZEKIEL E. CORTEZ and VICTOR MANUEL

TORRES.

1 Please take notice that the undersigned will bring  
2 the above motion for leave to intervene for hearing  
3 before this Court at 880 Front St., San Diego, CA  
4 92101, on June 27, 2008, at 10:30 a.m., or as soon  
5 thereafter as counsel can be heard.

6 Applicant Araceli Gocobachi moves pursuant Rule 24  
7 of the Federal Rules of Civil Procedure for leave to  
8 intervene as a plaintiff in this action in order to  
9 assert the claim against defendants.

10 In support of this motion, Applicant states that:

11 1. Applicant has an interest in the transaction that  
12 is the subject of this suit as specifically and  
13 particularly set forth in the attached  
14 declaration and counsel.

15 2. Applicant is so situated that disposition of this  
16 action without this intervention will, or may as  
17 a practical matter, impair or destroy its ability  
18 to protect that interest.

19 3. Applicant's interest cannot be adequately  
20 represented by existing parties.

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23 Dated: June 18, 2008

24  
25 Genaro Lara

26 Attorney for Araceil Gocobachi

27 -----S-----  
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8 Declaration of counsel  
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10 The undersigned, Attorney Genaro Lara, declares:

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12 1. I am licensed to practice law by the State of  
13 California and by the United States District Court of  
14 Southern California. I am in good standing with the  
15 State Bar of California.

16 2. I have been contacted by Araceli Gocobachi to  
17 represent her in the instant case.

18 3. At the time of the death of David Arnulfo Lopez,  
19 Araceli Gocobachi was the lawful spouse of the  
20 deceased. I have seen the marriage certificate number  
21 4200537-007314, issued by the County of San Diego,  
22 which shows the names of the spouses, Araceli Gocobachi  
23 and David Arnulfo Lopez.

24 4. I and Attorney Emile Mullick have been retained by  
25 Araceli Gocobachi to represent her in the instant  
26 litigation arising out of the death of her  
27 deceased husband, David Arnulfo Lopez, who was shot to  
28 death by San Diego County Sheriffs on October 21, 2006.

1 5. By all rights under the laws of the State of  
2 California, Araceli Gocobachi has the right to  
3 intervene in this action as the surviving spouse and  
4 entitled to litigate her interests as such.

5 6. As soon as the court allows Araceli to intervene  
6 as party plaintiff, I and Attorney E. Mullick will file  
7 an amended complaint.

8 I declare under penalty of perjury under the laws of  
9 the State of California the above is true and correct.

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11 Genaro Lara, -----S-

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13 Dated: June 18, 2008

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**UNITED STATES DISTRICT COURT**

18

**SOUTHERN DISTRICT OF CALIFORNIA**

19

20 SAMANTHA LOPEZ, a Minor, by ) Case No.: 07CV2028-JLS (WMC)  
21 and through her Legal ) Certificate of Service  
22 Custodian, LILIANA CORTEZ, )  
23 FILADELFO LOPEZ, LAURA )  
24 ALONZO LOPEZ, ANNA LOPEZ & ) Date: June 27, 2008  
25 JULIA LOPEZ, as surviving ) Time: 10:30 a.m.  
26 heirs of DAVID ARNULFO ) Courtroom: 6  
27 LOPEZ, deceased, ) The Honorable Janis L.  
28 Plaintiffs, ) Sammartino  
vs. )  
COUNTY OF SAN DIEGO, a )  
municipal corporation, CITY )  
OF VISTA, a municipal )

1 corporation & DOES 1-50,  
2 inclusive,

3 Defendants.

4  
5 I, Genaro Lara, am a citizen of the United States and  
6 am least eighteen years of age. My business address is  
7 121 Broadway, Suite 365, San Diego, California 92101.  
8 I'm not a party to the above-entitled action. I have  
9 caused service of **Motion to Intervene** on the following  
10 parties by electronically filing the foregoing with the  
11 Clerk of the District Court using its ECF System, which  
12 electronically notifies them.

13  
14 I declare under penalty of perjury that the foregoing  
15 is true and correct.

16 Executed on June 16, 2008

17 Genaro Lara, ---S---

